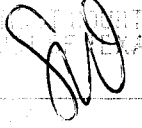


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2018 JUN -5 PM 1:56

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 

ALEXANDER E. JONES,
PLAINTIFF,

V.

KELLY R. JONES,
DEFENDANT.

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CAUSE NO. 1:18-CV-318-LY

ORDER

Before the court in the above styled cause of action are Plaintiff Alexander R. Jones's ("Mr. Jones") Motion to Remand to State Court filed April 20, 2018 (Dkt. No. 5) and Defendant Kelly R. Jones's ("Ms. Jones") Response filed May 4, 2018 (Dkt. No. 15).

The motions and all related filings were referred to United States Magistrate Judge Andrew W. Austin for findings and recommendations on May 2, 2018. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72; Loc. R. W. D. Tex. Appx. C, R. 1(c). The magistrate judge signed a report and recommendation on May 9, 2018 (Dkt No. 16) recommending that the court grant Mr. Jones's Motion to Remand and remand this action to state court.

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation and thereby secure *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc). Ms. Jones timely filed objections

to the report and recommendation on May 23, 2018 (Dkt. No. 17). Mr. Jones filed a response to Ms. Jones's objections to the report and recommendation on May 24, 2018 (Dkt. No. 18).

In light of the objections, the court has undertaken a *de novo* review of the motions, responses, objections, applicable law, and entire record in the cause. The court is of the opinion that the objections do not raise any issues that were not adequately addressed in the report and recommendation. Therefore, finding no error, the court will accept and adopt the report and recommendation as filed for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that Ms. Jones's objections to the report and recommendation are **OVERRULED**.

IT IS FURTHER ORDERED that the report and recommendation of the magistrate judge filed May 9, 2018 (Dkt. No. 16) is **ACCEPTED AND ADOPTED** by the court.

IT IS FURTHER ORDERED that Mr. Jones's Motion to Remand to State Court filed April 20, 2018 (Dkt. No. 5) is **GRANTED**.

IT IS FURTHER ORDERED that this action is **REMANDED** to the District Court for the 53rd Judicial District, Travis County, Texas.

IT IS FURTHER ORDERED that all other motions are **DISMISSED AS MOOT**.

SIGNED this 5th day of June, 2018.


LEE YEAKEL
UNITED STATES DISTRICT JUDGE